IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TEXARKANA DIVISION

Plaintiff,

V.

GARTH PARKER, TORI SCOTT, CATHY MCPEAK, JAMIE MARTIN, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, UNIVERSITY OF TEXAS MEDICAL BRANCH,

Defendants.

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CIVIL ACTION NO. 5:19-CV-00022-RWS

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Defendants.

ORDER

The Plaintiff Steven Gordon, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Texas prison records indicate that Gordon passed away on December 17, 2019. Upon learning of this, the Magistrate Judge issued a Report and Recommendation on February 11, 2020 recommending all pending motions in the case be denied subject to re-urging in the event a motion for substitution is made pursuant to Federal Rule of Civil Procedure 25(a). Docket No. 47. No objections to the report have been filed, nor has a motion for substitution been filed.

The Court has reviewed the record in this cause and agrees with the Magistrate Judge's report. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918,

109 S. Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Magistrate Judge's report (Docket No. 47) is **ADOPTED** as the opinion of this Court. It is further

ORDERED that all pending motions (Docket Nos. 5, 6, 7, 11, 12, 25, 26, 31–37, 41, 45, 46) in this case are **DENIED**, subject to re-urging following a motion for substitution.

SIGNED this 9th day of March, 2020.

Robert W. SCHROEDER III

UNITED STATES DISTRICT JUDGE